

TITLE 31
SEMINOLE NATION’S ROAD COMMITTEE (RC)
TRANSPORTATION POLICY AND PROCEDURES
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TITLE 31
SEMINOLE NATION'S ROADS COMMITTEE (RC)
TRANSPORTATION POLICY & PROCEDURE

CHAPTER ONE:
TITLE, DEFINITIONS, FINDINGS, PURPOSE, COMMITTEE, OFFICERS

Section 101. Title.

This document shall be entitled the Seminole Nation Roads Committee Policy and Procedure for overseeing the Seminole Nation Transportation Department.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

Section 102. Definitions.

Unless the context clearly requires otherwise, in this Title:

1. "Committee" refers to the Seminole Nation Roads Committee (RC).
2. "Members" means the person or persons serving on the Committee.
3. "Sections" refers to the sections of this Title.
4. "Offices" refers to duties and functions associated with particular titles of service for the Committee, being "Chairman," Vice-Chairman," and "Secretary."
5. "Officers" refers to persons who are members of the Committee who also serve with the title or titles of office on the Committee.
6. "Department" refers to the Seminole Nation Transportation Department.
7. "Agent" refers to one who is empowered to act for the Committee.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

Section 103. Findings.

It is hereby declared and found:

1. There exists a need for the development and improvement of roads within the jurisdiction of the Seminole Nation of Oklahoma;

2. The establishment of a transportation advisory body (Roads Committee) is important to the development of an Indian Reservation Roads program serving the interests of the Seminole Nation;
3. There has been demonstrated a need for the Committee to be able to provide oversight for the Transportation Department, and
4. The Committee shall not enter into P.L. 93-638 Contracts that are entered into for the Nation by the Principal Chief, and
5. The Committee is the body reviewing and acting on behalf of the Nation in the transportation and tribal roads areas as provided under its organic legislation and through these policies and procedures.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

Section 104. Purpose.

The Committee Policy and Procedure is hereby enacted for the purpose of:

1. Clearly defining the Committee's duties and functions, and to clarify the role of the Committee:
 - a. In acting on behalf of the Nation when approving various roads-related documents, not including P.L. 93-638 Contracts that are entered into by the Principal Chief;
 - b. Reviewing, advising and recommending to the Seminole Nation Tribal Council adoptions, opportunities and issues regarding Transportation;
2. Expanding the usable mileage of the Seminole Nation's Indian Reservation Road (IRR) system, and the Inventory of the IRR system;
3. Adopting:
 - a. The Tribal Transportation Improvement Program (TTIP) (an annual document with a three-to-five year horizon); and
 - b. The Long Range Transportation Plan (LRTP) (with a twenty year horizon, redone every three-to-five years);
4. Strategize to attract industry and commerce to the Seminole Nation, by programming certain improvements needed for access and attractiveness of commercial and industrial development sites that promote economic vitality of the Nation.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

Section 105. Seminole Nation's Roads Committee.

1. General Powers and Responsibilities.

- a. Includes the business and affairs of the Committee and managing the Department's program for the Seminole Nation
- b. To establish procedures for the Committee and Department that are approved by the General Council and consistent with the Constitution and the laws of the Seminole Nation
- c. To establish and use a Benefit/Cost Rating criteria to select and prioritize projects for the Indian Reservation Road program
- d. To ensure the Nation's compliance with Federal and Tribal laws governing the Indian Reservation Roads System
- e. To make recommendations to the General Council of the Seminole Nation regarding proposed legislative action to ensure such compliance
- f. To maintain or cause to be maintained the Indian Reservation Road Inventory
- g. To coordinate with those government entities that have a Memorandum of Understanding with the Seminole Nation (State, County, City or Town) the development and maintenance of the Nation's TTIP and IRR Inventory
- h. To act on behalf of the Nation and have the authority to decide matters pertaining to the Department (except the Committee shall not enter into a P.L. 93-638 contract), and
- i. Shall exercise such other duties as shall be consistent with the general oversight of the Department.
- j. Notwithstanding any provision of this Policy and Procedure to the contrary, the Committee may delegate the powers or duties of any officer to any other officer or agent.

2. Appointments.

- a. The Principal Chief shall appoint a Committee consisting of five (5) members of the Seminole Nation of Oklahoma, subject to the approval of the General Council, as provided in the Constitution of the Seminole Nation.

3. Qualifications.

- a. Appointment of each Committee member shall be individuals with substantial education, experience, training, and/or knowledge of the IRR Program, or a related field; and shall be subject to the following order of appointment preference: (1) an enrolled member of the Seminole Nation of Oklahoma; (2) an enrolled member of any federally-recognized Native American Tribe; and then to (3) any non-Indian.
- b. No member of the Committee shall be an employee of the Seminole Nation while serving on the Committee.

4. Tenure.

- a. Members shall serve for a term of four (4) years except for the current members of the Committee.
- b. One of the current Committee member's term shall end on October 1, 2009. The second member's term shall end on October 1, 2010. The third member's term shall end on October 1, 2011. The fourth and fifth member's term shall end on October 1, 2012. The Committee shall determine the end of term of each officer and member.
- c. Any Member shall be eligible for reappointment regardless of whether or not some or the remainder of the Committee membership is reappointed. A member who is not reappointed shall serve the remainder of his or her term until a successor is appointed and is confirmed by the General Council.
- d. Each member already approved and serving on the Committee as of the date of enactment of this Policy and Procedure shall not require reconfirmation to continue in office, until the end of his or her current term. If they are reappointed for terms beginning on October 1, 2009, 2010, 2011 or 2012, their appointments will require confirmation by the General Council.
- e. Future member appointments shall be in annual intervals.

5. Conflict of Interest.

- a. An employee of the Seminole Nation is not eligible to be a member of the Committee.

No member of the Committee shall participate in the selection of a project that is located within two miles of their residence or business interest.

6 Removal of Members.

- a. No member shall be removed except for cause, and shall be removed by a majority vote of the Committee, when such removal is affirmed by a vote of the General Council and approved by Principal Chief.
- b. The Principal Chief may at anytime remove a Member of the Committee for misfeasance, nonfeasance, or malfeasance in office, subject to the approval of the General Council. If removed, said person shall have the right to appeal to the General Council. The General Council vote will be final.

7. Vacancies.

- a. Upon any vacancy in any office because of death, resignation, removal, disqualification, or any other cause that this Policy and Procedure prescribes for the regular appointment to such office, the Principal Chief, subject to the approval of the General Council, shall fill the vacancy occurring in the Committee, whether by an increase in the number of members or otherwise.
- b. No vacancy in the membership of the Committee shall impair the rights of a quorum to exercise all the rights and perform all the duties of the Committee.

8. Resignation(s).

- a. Any member may resign at any time by giving written notice to the Committee, the Secretary of the Committee, or to the Principal Chief.

- b. Any resignation shall take effect upon receipt or at the time specified in the resignation letter or notice.
- c. Unless the letter or notice states otherwise, the effectiveness of the resignation shall not depend on its acceptance.

9. Compensation.

- a. Compensation shall be as provided in Section 602 of Title 16 of the Seminole Nation of Oklahoma Code of Laws.

10. Legal Counsel.

- a. The Committee may establish qualifications, duties, and compensation for such Legal Counsel as it may require for legal representation of the Committee. Said Legal Counsel may be suspended or dismissed at anytime by the Committee with or without cause.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007; Amended by Ordinance No. 2011-14, October 29, 2011.]

Section 106. Officers.

1. Officers of the Committee.

- a. The officers of the Committee shall consist of a Chairman, Vice-Chairman, Secretary, and other agents as the Committee may designate from time to time.

2. Election and Term.

- a. The Committee shall elect officers to serve as Chairman, Vice-Chairman, and Secretary.
- b. Each officer shall serve for a term of four (4) years, or until his or her successor is appointed and accepts the appointment.
- c. Members shall elect officers at their regular meeting.

3. Removal of Officers or Agents.

- a. The Committee may take away the title and duties of any member, officer or agent the Committee has designated at any time, with cause, by majority vote.
- b. The member, officer or agent being considered for removal shall have the opportunity to be heard before the Committee votes.

4. Resignation of Officers or Agents.

- a. Any officer or agent elected or appointed by the Committee may resign from their particular office at any time by giving written notice to the Committee, the Chairman of the Committee, the Vice-Chairman, or the Secretary.

- b. Any such resignation shall take effect at the date of the receipt of such notice or at any later time so specified.
- c. Unless the notice states otherwise, the effectiveness of the resignation shall not depend on its acceptance.

5. The Chairman.

- a. The Chairman shall be the principal executive officer of the Committee and, subject to the Committee's control
- b. The Chairman shall supervise and control all of the business and affairs of the Committee.
- c. The Chairman will preside at all meetings of the Committee that he or she attends, and shall perform such other duties as the Committee may direct.
- d. In general, the Chairman shall perform all duties incident to the office of the Chairman, and such other duties as the Committee may prescribe, consistent with this Policy and Procedure, the Constitution and laws of the Seminole Nation.
- e. When present and presiding, the Chairman shall be empowered to sign correspondence or other paperwork pertaining to the Department which the Committee has authorized an officer or agent of the Committee to execute.
- f. The Chairman shall not sign any instrument that the law, this Policy and Procedure, or the Committee expressly requires some other officer or agent of the Committee to sign and execute.

6. Vice-Chairman.

- a. The Vice-Chairman of the Committee shall assist the Chairman when called upon to do so.
- b. In the absence of the Chairman, or in the event of his or her death, inability or refusal to act, the Vice-Chairmen shall perform the duties of the Chairman.
- c. When presiding, the Vice-Chairmen shall have the rights, privileges, duties, restrictions, and responsibilities of the Chairman.
- d. The Vice-Chairman shall perform such other duties as the Chairman or the Committee may assign to him or her from time to time.

7. Secretary.

- a. The secretary shall keep the minutes of the meetings of the Committee;
- b. Give all notices which this Policy and Procedure or the law requires;
- c. Serve as a custodian of the records;
- d. Maintain a register of the address of each Member; and
- e. Perform all duties that the Chairman or the Committee may assign him or her from time to time.

8. Delegation.

- a. Notwithstanding any provision of this Policy and Procedure to the contrary, the Committee may delegate or revoke the powers or duties of any officer to any other officer or agent by majority vote.

9. Vacancies.

- a. The Committee may fill a vacancy of an officer or agent the Committee has removed at any time, with cause, by majority vote.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

CHAPTER TWO

MEETINGS, FACSIMILE SIGNATURES, QUORUM, CONDUCT OF BUSINESS

Section 201. Meetings.

1. Regular.

- a. The Committee may hold regular meetings at such places, dates, and times, as the Committee shall annually establish by resolution. Said resolution shall be filed with the General Council, the Principal Chief, and the Committee Secretary, and shall also be posted at the Administrative Complex building and at the Tribal Council House.
- b. The Committee may hold meetings by means of conference telephone or similar telecommunication equipment that enable all persons participating in the meeting to hear each other. Such participation shall constitute presence in person at such meeting.

2. Special.

- a. The Chairman of the Committee, the Vice-Chairman, or a quorum of the members then in office may call a special meeting of the Committee. The person or persons authorized to call special meetings of the Committee may fix any place, either in or out of the jurisdiction of the Seminole Nation for the meeting if provided by notice as prescribed in Chapter 3.

3. Holidays.

- a. If any day fixed for a meeting falls on a legal holiday, the Committee shall hold the meeting at the same place and time on the next succeeding business day.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

Section 202. Facsimile Signatures. The use of facsimile signatures is authorized when utilizing telecommunication media. The Committee may use the facsimile signatures of any officer or officers, agent or agents, as the Committee may authorize.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

Section 203. Quorum. Three (3) members present shall constitute a quorum for all purposes at any meeting of the Committee. In the absence of a quorum, a majority of the members present at any meeting may adjourn the meeting to another place, date, or time and shall provide notice as prescribed in Chapter 3.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

Section 204. Conduct of Business.

1. The Committee shall transact business in such order and manner as the Committee may determine, or by the following manner:
 - a. Call to Order by the Chairman;
 - b. Roll call;
 - c. Ascertainment of a Quorum;
 - d. Reading of Minutes of the last Meeting;
 - e. Adoption of the minutes by a vote of acclamation or common consent;
 - f. Unfinished (old) business;
 - g. New business;
 - h. Adjournment.
2. Except as the law requires, the Committee shall determine all matters by the vote of a majority of the Members present, or simultaneously linked to the meeting site by telecommunications, as provided Section 201, Chapter Two of this Title.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

CHAPTER THREE

NOTICES

Section 301. General. Whenever this Policy and Procedure requires notice to any Member, officer or agent, such notice does not mean personal notice. A person may give effective notice under the provisions of this Policy and Procedure in every case by U.S. Mail. Unless this Policy and Procedure provides to the contrary, the time when the person sends notice shall constitute the time of giving the notice.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]

Section 302. Notice.

1. Notice of Regular Meetings. Regular meetings need not be noticed, when these regularly scheduled meetings have been the subject of an annual resolution providing and listing the time, date, and place of the specific regular meetings, and which resolution has been posted at the Administration Complex building, and at the Tribal Council House, during the month of January for that particular year.
2. Absence of a Quorum. The members adjourning a meeting of the Committee due to a lack of quorum shall give written notice to each other member of the time, place, date and purpose of the meeting not less than four business days if by mail, telegraph or fax machine.
3. Notice of Special Meetings. The person or persons calling a special meeting of the Committee shall give written notice to each member of the time, place, date and purpose of the meeting not less than four business days if by mail, telegraph or fax machine.
 - a. A Member may waive notice of any special meeting;
 - b. Any meeting shall constitute a legal meeting without notice if:
 - i. All the members are present, or
 - ii. Those not present sign (either before or after the meeting):
 - a) A written waiver of notice,
 - b) A consent to such meeting, or
 - c) An approval of the minutes of the meeting.

- c. A Notice or waiver of notice shall specify the purposes of the meeting, or the business that the Committee will transact at the meeting.

[HISTORY: Enacted by Ordinance No. 2007-19, December 1, 2007.]